

*South Carolina State Conference of The NAACP, et al. v. Ellen Weaver in her official capacity as South Carolina Superintendent of Education, et al.*

Civil Action No.: 3:25-cv-487-SAL

# Exhibit G

**to Defendants Weaver's and Lexington County School District Three's Response in  
Opposition to Plaintiffs' Motion for a Preliminary Injunction**

**Declaration of Matthew Ferguson**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION**

SOUTH CAROLINA STATE CONFERENCE OF  
THE NAACP; IBRAM X. KENDI; AYANNA  
MAYES; MARY WOOD; T.R., a minor by and  
through their father and next friend, TODD RUTH-  
ERFORD; and J.S., a minor by and through their  
mother and next friend, AMANDA BRADLEY,

Plaintiffs,

Civil Action No. 3:25-cv-487-SAL

v.

ELLEN WEAVER in her official capacity as South  
Carolina Superintendent of Education; LEXINGTON  
COUNTY SCHOOL DISTRICT THREE; and  
SCHOOL DISTRICT FIVE OF LEXINGTON &  
RICHLAND COUNTIES,

Defendants.

**DECLARATION OF MATTHEW FERGUSON**

I, **Matthew Ferguson**, declare pursuant to 28 U.S.C. § 1746 as follows:

1. My name is Matthew Ferguson. I am over the age of 18 and am competent to make this declaration. I am a citizen and resident of South Carolina. The facts stated herein are true of my own personal knowledge, and if called to testify, I would so testify.
2. I am a Deputy Superintendent and the Chief Academic Officer at the South Carolina Department of Education ("SCDE"). I have held this role since January 2023. Before that, I served for nearly three years as the Executive Director of the South Carolina Education Oversight Committee. Prior to that, I spent almost a dozen years at the Darlington County School District where I served in various roles, including as a classroom teacher, Title I Coordinator, District Curriculum Coordinator for multiple subject areas including social studies, and as the Director of Personnel.
3. I have a Bachelor's degree in Political Science and English Education from Coker University, a Master of Education degree in Curriculum and Instruction from Lesley University, a Master of Education degree in Educational Leadership and Administration from the American College of Education, a Juris Doctor degree from the Charlotte School of Law, an Education Specialist degree from the University of South Carolina, and a Doctor of Education degree from Clemson University.

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4. In 2007, I was awarded a Fulbright Scholarship and spent a year in Indonesia, where, among other things, I designed curricula and conducted workshops in teacher methodology.
5. I have extensive professional training and experience in the evaluation and selection of curricula and ensuring the alignment of curricula and instructional materials with applicable state standards.
6. In my role as Deputy Superintendent and Chief Academic Officer, I oversee the SCDE division responsible for instructional standards, curriculum development, instructional material adoption, and course code approvals, including all Advanced Placement (AP) courses. My division is charged with ensuring that all approved instructional materials and courses offered in South Carolina public schools are aligned with the state's academic standards, are pedagogically sound, and support access to high-quality learning experiences. This includes decisions regarding the assignment, renewal, or retirement of course codes across subject areas and grade levels.
7. In 2022, the South Carolina Department of Education assigned a course code to a pilot program for an Advanced Placement ("AP") course in African American Studies ("AP AAS"). One public high school offered the pilot AP AAS course in the 2022-23 school year, and a dozen high schools offered the pilot AP AAS course in the 2023-24 school year.
8. During the two school years the pilot AP AAS course was offered, the SCDE collected data and, as it does for every AP course and pilot program, evaluated the effectiveness, educational suitability, academic rigor, student utilization, and alignment with state standards.
9. At the conclusion of the 2023-24 school year, based on our evaluation and assessment of these factors, my staff and I decided not to extend the course codes previously assigned to two AP classes beyond their pilot periods: AP Pre-Calculus and AP AAS.
10. The decision not to renew the AP AAS course code was based on a curricular assessment conducted by my team and me. Key factors included concerns about the course's educational suitability and pedagogical effectiveness, low statewide student enrollment, and unresolved questions regarding the awarding of college credit to students who completed the course. While we were aware of public controversy surrounding the AP AAS course, our awareness of that controversy was not the motivating factor behind the decision.
11. Another significant factor was the timing of the state's regularly scheduled review and revision of South Carolina's social studies standards. It is the practice of the SCDE to pause the approval of statewide course codes in a given subject area while the academic standards for that subject are under revision. This ensures that all newly authorized

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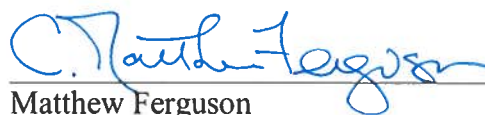
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courses align with the most up-to-date expectations for student learning and instructional practice.

12. Renewing the course code for AP AAS prior to the completion of the revised social studies standards would have risked misalignment and placed an unnecessary burden on districts and students. This timing was particularly problematic in light of a similar issue observed with AP Pre-Calculus, which also concluded its pilot period in 2023–24. That course was not extended because it did not adequately reflect the new South Carolina mathematics standards and was determined to be insufficient in preparing students for the state’s Calculus course. The experience with AP Pre-Calculus highlighted the need to ensure that all statewide AP course offerings are closely aligned with South Carolina’s academic standards before being authorized beyond the pilot stage.
13. The SCDE and its leadership believe (and I agree) it is appropriate and important for South Carolina’s public schools to teach our students an objectively accurate history of race, racism, racial injustice, and related topics. As noted in my memorandum to District Superintendents dated June 4, 2024, the “SCDE maintains its unwavering commitment to teaching” those topics and “will continue to proactively . . . highlight the innumerable contributions black South Carolinians have made to our state, our nation, and the world” in ways that are factually accurate, academically robust, educationally suitable, and appropriately aligned with state standards.
14. The SCDE’s and its leadership’s decision not to renew the course code for AP AAS in summer 2024 was not motivated by partisan or political beliefs nor was it based on any disagreement with or objection to the subject matter of African American history. Rather, as noted above, it was based on pedagogical evaluations and assessments regarding the rigor and suitability of the course and to ensure its alignment with the soon-to-be-updated social studies standards.
15. I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED this 17<sup>th</sup> day of April, 2025.

  
Matthew Ferguson